



State of West Virginia
Earl Ray Tomblin, Governor

WV Office of Miners' Health, Safety & Training
Eugene White, Director
#7 Players Club Rd., Suite 2 • Charleston, West Virginia • 25311-1626
Telephone 304-558-1425 • Fax 304-558-1282
www.wyminesafety.org

MEMORANDUM

TO: All Underground Mine Operators
Interested Parties

FROM: Eugene White, Director *Eugene White*

DATE: June 4, 2013

SUBJECT: Reminder 210 days left for shelter refit

As of June 4 there are 210 days left in 2013. On December 31, 2013 all emergency mine shelters in West Virginia must be refit to address issues identified and to comply with CFR § 75.1506(a)(3) which allowed for the grandfathered W. Va. refuge alternative structures in acceptance in Federal Emergency Response Plans (ERPs), only until that date.

On October 14, 2011 the Director of the Office of Miners' Health Safety and Training (OMHS&T) issued an order pursuant to W. Va. Code § 22A-1-4 and § 56-4-8 requiring that approved emergency mine shelters be refitted with appropriate valves and fittings in addition to meeting the requirements for Mine Safety and Health Administration (MSHA) prefabricated self-contained refuge alternatives.

All the major shelter manufacturers are now shipping refit shelters. There have now been over 200 units shipped but there are an estimated 1400 nation-wide. There is sufficient manufacturing capacity to meet the schedule provided everyone cooperates.

It is imperative that each operator has negotiated a delivery date with their manufacturer and work with them to facilitate the exchange of units if you are to meet the December 31 deadline.

Sections containing emergency shelters found not to be in compliance on January 1, 2014 are subject to a closure order by West Virginia and will be in violation of their MSHA ERP and subject to a closure order by the Federal Government as well.

If you are having difficulty obtaining a delivery commitment it is imperative that you contact your WV OMHS&T Regional office and notify them of your situation. Under their WV approvals, manufacturers are required to support your requirements in meeting these deadlines, however, if you have not negotiated the necessary commercial agreements the responsibility is entirely yours.

It has been 599 days since the order was written and with only 210 days left. That is not a long period when you consider the logistics involved.